

Settlement/Hearing: September 6th, 2012
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

MEL COOPER,

Chapter 13
Case No. 12-12418 SHL

NOTICE OF SETTLEMENT

Debtor(s)

-----x

FAILURE TO RESPOND MAY LEAD TO A DISMISSAL OF YOUR CASE

PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Sean H. Lane, United States Bankruptcy Judge, on the 6th day of September, 2012 at 10:00 A.M. at the United States Bankruptcy Court, U.S. Customs House, One Bowling Green, New York, New York 10004.

Hearings on Objections, if any, to be conducted same date and time in Courtroom 610. Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

OBJECTIONS TO PROPOSED ORDER:

All objections to a proposed order MUST HAVE the settlement date of the original notice typed or written on the first page in the upper right-hand corner of the document.

COUNTER-PROPOSED ORDERS:

All counter-proposed orders should be clearly denominated as such, with the return date of the original proposed order in the upper right-hand corner of the first page. A

copy of the transcript, if a hearing was held, must be submitted with the counter-proposed order.

Dated: White Plains, New York
July 20th, 2012

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Mel Cooper
71 Fifth Avenue # 45-K
New York, New York 10022

Imperial Assets, LLC
725 Fifth Avenue
New York, New York 10022

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
IN RE:

Chapter 13
Case No. 12-12418 SHL

MEL COOPER,

Debtor
-----x

ORDER DISMISSING CHAPTER 13 CASE

The Court finds that cause exists to dismiss this case under
11 U.S.C. §1307(c)(1) in that the debtor has caused unreasonable delay that is prejudicial to
creditors by:

- a. failing to appear at the scheduled §341(a) meeting of creditors; and
- b. failing to provide all documentation as required by the Chapter 13 trustee.

The Court further finds that cause exists to dismiss this case under
11 U.S.C. §1307(c)(3) in that the debtor failed to timely file a plan under 11 U.S.C. §1321 and
Federal Rules of Bankruptcy Procedure 3015(b);

The Court further finds that cause exists to dismiss this case under
11 U.S.C. §1307 (c)(4) in that the debtor has failed to remit timely payments to the Chapter 13
trustee as required by 11 U.S.C. §1326;

The Court further finds that the debtor has failed to comply with
11 U.S.C. §521(i) by failing to timely file documents as required under 11 U.S.C. §521(a)(1);

The Court further finds that the debtor failed to comply with
11 U.S.C. §521(e)(2)(A)(i) in that the debtor failed to provide the trustee with copies of federal

and state tax returns for the most recent tax years preceding the commencement of the case, within seven (7) days prior to the meeting of creditors scheduled pursuant to 11 U.S.C. §341(a).

IT IS HEREBY ORDERED THAT:

Pursuant to 11 U.S.C. §§1307 (c)(1), (c)(3), (c)(4), 521(i) and 521(e)(2)(B), this Chapter 13 case is hereby dismissed.

Dated: New York, New York
September , 2012

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
IN RE:

Chapter 13
Case No. 12-12418 SHL

MEL COOPER,

TRUSTEE'S AFFIDAVIT

Debtor(s)
-----x

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on June 1st, 2012.
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1), (c)(3) and (c)(4).
4. The debtor is in violation of 11 U.S.C. §521(i) of the Bankruptcy Code which requires the debtor to file schedules, statement of financial affairs, payment advices and evidence of other payments received within 60 days, and the "means" test.
5. The debtor is in violation of §521(e)(2)(A)(i) of the Bankruptcy Code which requires the debtor to provide *seven (7) days prior to the §341(a) meeting of creditors*, copies of federal and state tax returns for the most recent years prior to the commencement of the case, to wit, years 2009, 2010 and 2011.
6. The debtor failed to timely file a plan in violation of Bankruptcy Rule 3015(b), and schedules in violation of Bankruptcy Rule 1007(c).
7. The debtor failed to remit timely proposed plan payments to the trustee, having remitted -0- payments, and being, at this juncture, one month in arrears.

8. The debtor failed to appear and be examined at the initial 341(a) meeting of creditors

9. The debtor has created unreasonable delay that is prejudicial to creditors.

10. It should be noted that the debtor has filed a previous petition with this Court, to wit, Case No. 11-13190, filed on July 1st, 2011 and dismissed on September 20th, 2011.

WHEREFORE, the trustee respectfully requests that the annexed order dismissing this case be signed.

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

Sworn to before me this
20th day of July, 2012
/s/ Jody L. Kava

Jody L. Kava
Notary Public, State of New York
No. 4836806
Qualified in Westchester County
Term Expires: 10/31/13

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
IN RE:

Chapter 13
Case No. 12-12418 SHL

MEL COOPER,

Debtor(s)

-----x

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York. On July 20th, 2012 I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

TO:: United States Trustee
33 Whitehall Street
New York, New York 10004

Mel Cooper
71 Fifth Avenue # 45-K
New York, New York 10022

Imperial Assets, LLC
725 Fifth Avenue
New York, New York 10022

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
20th day of July, 2012

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 02SA8764500
Qualified in Rockland County
Term Expires: 12/31/14